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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,873	08/21/2003	Aaron Golle	1748.001US1	8656

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EXAMINER	
HAN, JASON	

ART UNIT	PAPER NUMBER
2875	

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H·A

Office Action Summary	Application No.	Applicant(s)	
	10/645,873	GOLLE ET AL.	
	Examiner	Art Unit	
	Jason M Han	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 August 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9/24/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

a. Page 7, Line 4: Typographical error – "safety sing" should read as "safety sign";

b. Throughout the disclosure, applicant has referred to "snowplow(s)" in two words, which is grammatically incorrect;

c. Throughout the disclosure, applicant has referred to "mudguard(s)" in two words, which is grammatically incorrect;

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kinstler (U.S. Patent 5005306).

Kinstler discloses an illuminated vehicle sign providing an EL lighting surface chosen into a pattern [Figure 3], which is then attached to a vehicle [Figure 1: (10)], which may be driven on a road.

3. Claims 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Kinstler (U.S. Patent 5005306).

4. With regards to Claim 2, Kinstler discloses an illuminated vehicle sign providing a pattern to convey a visual message [Figures 1-4: (33)] that is attached to an EL lighting surface [Figures 1-4: (32)], which is then attached to a vehicle [Figure 1: (10)] that may be driven on the road.

5. With regards to Claim 4, Kinstler discloses the pattern conveying a visual message in the form of text [Figures 1-4: (33)].

6. Claims 12-13 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Kinstler (U.S. Patent 5005306).

7. With regards to Claim 12, Kinstler discloses an illuminated vehicle sign providing a pattern to convey a visual message [Figures 1-4: (33)] that is positionable on a flexible surface [Figures 1-4: (31); Column 3, Lines 45-50], an EL lighting surface [Figures 1-4: (32)] that contrasts the pattern [Column 3, Lines 35-39], and a power source coupled to the EL lighting surface [Column 2, Line 67 – Column 3, Line 2].

8. With regards to Claim 13, Kinstler discloses the pattern including a text message [Figures 1-4: (33)].

9. With regards to Claim 15, Kinstler discloses the pattern being layered over the EL light surface to mask a portion of the EL lighting surface so as to provide contrast [Column 3, Lines 27-39].

10. With regards to Claim 16, Kinstler discloses the pattern being formed from EL lighting material providing a cut [rectangular surface of Figure 4: (32)] to form the pattern [Column 3, Lines 35-39].

11. With regards to Claim 17, Kinstler discloses the power source including a battery [Column 2, Line 67 – Column 3, Line 2].

12. Claims 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Fernandez (U.S. Patent 5434013).

Fernandez discloses, "Referring to FIGS. 1-7, an illuminated trim apparatus 10 for automobiles (re: Claim 23) is disclosed. Trim apparatus 10 takes the form of automobile floor mats, splash guards (re: Claim 22), wheel trim, door guards, trunk and door lock trim, outer and inner body trim, sun shades, accent trim for the dash or radio, hood logo and emblem trim, license plate frames, speaker covers and side molding such as ground effects and door panel decorative strips [Column 3, Lines 61-68]. Apparatus 10 includes safe, low voltage lighting strips 12, known as electroluminescent lighting or "EL", to supplement or replace existing breakable and fire hazardous fixtures [Column 4, Lines 3-6; underlines and highlights added by examiner]."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinstler (U.S. Patent 5005306) as applied to Claim 2 above, and further in view of Fuller (U.S. Patent 2983914).

Kinstler discloses the claimed invention as cited above, but does not specifically teach the vehicle being a snowplow.

Fuller teaches using a warning light onto a snowplow [Column 1, Lines 21-24].

It would have been obvious to incorporate the illuminated vehicle sign of Kinstler onto a snowplow, as principally taught by Fuller, in order to ensure safety and warn proximate drivers of the snowplow. Such a configuration is an obvious engineering decision whereby one would want to utilize such warning/safety signs on large vehicles.

14. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinstler (U.S. Patent 5005306) as applied to Claim 2 above, and further in view of Chien (U.S. Patent 5775016).

15. With regards to Claim 4, Kinstler discloses the claimed invention as cited above, but does not specifically teach the EL lighting surface having a yellow color when illuminated.

Chien teaches electroluminescent super thin lighting elements [Column 2, Lines 40-49], wherein, "a wide variety of color choices, including green, blue, pink, yellow, and white, which allows superthin lighting elements to be used for a variety of different guiding purposes and increases attractiveness while avoiding conflict or confusion with other warning signs [Column 2, Lines 62-67]."

It would have been obvious to modify the illuminated vehicle sign of Kinstler to incorporate the yellow electroluminescent element of Chien in order to

provide a variety of different guiding purposes and increased attractiveness, as corroborated by Chien.

16. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinstler (U.S. Patent 5005306) as applied to Claim 2 above, and further in view of applicant's admitted prior art.

Kinstler discloses the claimed invention as cited above, but does not specifically teach the EL light surface dimensioned to comply with safety sign regulations (re: Claim 6), nor approximate rectangular dimensions of 72 inches wide and 8.5 inches tall (re: Claim 7).

Applicant's admitted prior art teaches, "In one embodiment the shape of the safety sign 600 is dictated by a government standard [Page 6, Lines 30-31]."

It would have been obvious to modify the illuminated vehicle sign of Kinstler to incorporate the dimensions/shape of applicant's admitted prior art in order to comply with government standards.

In addition, it would have been an obvious matter of design choice to have made the illuminated vehicle sign with rectangular dimensions of 72 inches wide by 8.5 inches tall, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

17. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinstler (U.S. Patent 5005306).

18. With regards to Claim 8, Kinstler discloses an illuminated vehicle sign providing a pattern to convey a visual message [Figures 1-4: (33)] that is attached to an EL lighting surface [Figures 1-4: (32)], which is then attached to a vehicle [Figure 1: (10)] that may be driven on the road.

Kinstler does not specifically teach the vehicle being a transportation vehicle that carries an oversized load, so that the sign provides warning of such load to proximate drivers. Such a configuration is an obvious matter of design, whereby adequate warning signals are commonly seen on large vehicles.

19. With regard to Claims 9-10, Kinstler discloses the claimed invention as cited above except for the sign being attached to the front or rear of the vehicle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the sign either on the front or rear of the vehicle, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japiske*, 86 USPQ 70. In this case, it is an obvious engineering decision that one could place a sign or a plurality of signs on different parts of a vehicle with the intended purpose of warning proximate drivers.

20. Claims 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinstler (U.S. Patent 5005306) as applied to Claim 8 above, and further in view of Fernandez (U.S. Patent 5434013).

Kinstler discloses the claimed invention as cited above, but does not specifically teach the safety sign attached to at least one mudguard.

Fernandez discloses, "Referring to FIGS. 1-7, an illuminated trim apparatus 10 for automobiles (re: Claim 23) is disclosed. Trim apparatus 10 takes the form of automobile floor mats, splash guards (re: Claim 22), wheel trim, door guards, trunk and door lock trim, outer and inner body trim, sun shades, accent trim for the dash or radio, hood logo and emblem trim, license plate frames, speaker covers and side molding such as ground effects and door panel decorative strips [Column 3, Lines 61-68]. Apparatus 10 includes safe, low voltage lighting strips 12, known as electroluminescent lighting or "EL", to supplement or replace existing breakable and fire hazardous fixtures [Column 4, Lines 3-6; underlines and highlights added by examiner]."

It would have been obvious to have incorporated the illuminated vehicle sign of Kinstler onto a mudguard/splash guard, as taught by Fernandez, so as to ensure appropriate warning to proximate drivers. In addition, it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japiske*, 86 USPQ 70. In this case, it is an obvious engineering decision that one could place a sign or a plurality of signs on different parts of a vehicle with the intended purpose of warning proximate drivers.

21. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinstler (U.S. Patent 5005306) as applied to Claim 12 above.

Kinstler discloses the claimed invention as cited above except for the pattern including a triangle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the pattern include a triangle, since it has been held to be within the general skill of a worker that mere

change of form or shape of an invention involves only routine skill in the art. *Span-Deck Inc. c. Fab-Con, Inc. (CA 8, 1982)* 215USPQ 835. In this case, it is commonly known that making a sign into a different shape may add to the effectiveness in warning, as well as add an aesthetic appeal.

22. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinstler (U.S. Patent 5005306) as applied to Claim 12 above, and further in view of Burke (U.S. Patent 5779346).

23. With regards to Claim 18, Kinstler discloses the claimed invention as cited above, but does not specifically teach the EL lighting surface being yellow when illuminated.

Burke teaches an EL device wherein an EL lighting surface provides a yellow background when illuminated.

It would have been obvious to modify the illuminated vehicle sign of Kinstler to incorporate the yellow electroluminescent lighting of Burke in order to provide a variety of different guiding purposes and increased attractiveness.

24. With regards to Claim 19, Kinstler in view of Burke discloses the claimed invention as cited above. In addition, Burke teaches, "An electroluminescent night light which provides a single color or multi-color display. The display is achieved by depositing, onto a conductive layer by screen printing means, a single film or one or more discrete phosphor characters of the same or different color [see Abstract; underlines added by examiner]." The examiner makes note that such a limitation is commonly known within the art and seen with tinting.

25. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinstler (U.S. Patent 5005306) as applied to Claim 12 above, and further in view of applicant's admitted prior art.

Kinstler discloses the claimed invention as cited above, but does not specifically teach the EL light surface dimensioned to comply with safety sign regulations, nor approximate rectangular dimensions of 72 inches wide by 8.5 inches tall.

Applicant's admitted prior art teaches, "In one embodiment the shape of the safety sign 600 is dictated by a government standard [Page 6, Lines 30-31]."

It would have been obvious to modify the illuminated vehicle sign of Kinstler to incorporate the dimensions/shape of applicant's admitted prior art in order to comply with government standards.

In addition, it would have been an obvious matter of design choice to have made the illuminated vehicle sign with rectangular dimensions of 72 inches wide by 8.5 inches tall, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

26. Claims 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinstler (U.S. Patent 5005306) as applied to Claim 12 above, and further in view of Fernandez (U.S. Patent 5434013).

Kinstler discloses the claimed invention as cited above, but does not specifically teach the illuminated sign including and attached to at least one mudguard.

Fernandez discloses, "Referring to FIGS. 1-7, an illuminated trim apparatus 10 for automobiles is disclosed. Trim apparatus 10 takes the form of automobile floor mats, splash guards, wheel trim, door guards, trunk and door lock trim, outer and inner body trim, sun shades, accent trim for the dash or radio, hood logo and emblem trim, license plate frames, speaker covers and side molding such as ground effects and door panel decorative strips [Column 3, Lines 61-68]. Apparatus 10 includes safe, low voltage lighting strips 12, known as electroluminescent lighting or "EL", to supplement or replace existing breakable and fire hazardous fixtures [Column 4, Lines 3-6; underlines and highlights added by examiner]."

It would have been obvious to have incorporated the illuminated vehicle sign of Kinstler onto a mudguard/splash guard, as taught by Fernandez, so as to ensure appropriate warning to proximate drivers. In addition, it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japiske*, 86 USPQ 70. In this case, it is an obvious engineering decision that one could place a sign or a plurality of signs on different parts of a vehicle with the intended purpose of warning proximate drivers.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art pertinent to the current application, but are not considered exhaustive:

US Patent 2721808 to Shepard et al;
US Patent 2844388 to Rheeling;
US Patent 4494326 to Kanamori;
US Patent 4645970 to Murphy;
US Patent 5337224 to Field et al;
US Patent 5339550 to Hoffman;
US Patent 5367806 to Hoffman;
US Patent 5479325 to Chien;
US Patent 5485355 to Voskoboinik et al;
US Patent 5518561 to Rosa;
US Patent 5566384 to Chien;
US Patent 5621991 to Gustafson;
US Patent 6164804 to Self;
US Patent 6195925 to Werner;
US Patent 6203391 to Murasko;
US Patent 6637906 to Knoerzer et al;
US Patent 6751898 to Heropoulos et al;
US Publication 2004/0128882 to Glass;
GB2358913A to Ahmed, Jamal Faizi et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMH (1/25/2005)

JOHN ANTHONY WARD
PRIMARY EXAMINER